IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.21305-M of 2006

DATE OF DECISION: SEPTEMBER 12, 2006

Balwinder Singh and others

.....PETITIONERS

VERSUS

State of Punjab

.....RESPONDENT

CORAM : HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr.G.S.Nagra, Advocate,
for the petitioners.
Mr.N.S.Gill, AAG, Punjab.

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The petitioners apprehending their arrest in a non-bailable offence in case FIR No.41 dated 21.3.2006 registered under Sections 447/427/457/380/511/148/149/120-B IPC at Police Station Sultanpur Lodhi, District Kapurthala, have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

I have heard the counsel for the parties and gone through the contents of the FIR.

This order be read in continuation of the earlier order dated April 10 , 2006 passed by this Court.

Counsel for the petitioners contends that the allegations of trespass and theft levelled against the petitioners are improbable in view of the pendency of the civil suit between the parties. Counsel further contends that in terms of the aforesaid interim order, the petitioners have joined the investigation. Counsel for the respondent-State does not dispute this fact and further on instructions from HC Darshan Singh states that petitioner No.3 has been found innocent during the investigation and the other two petitioners are no more required for further investigation.

In view of the above, without commenting on the merits of the case, the interim order dated April 10, 2006 is made absolute on the same

terms and conditions.

This bail order shall remain in operation till the investigation culminates into filing of challan under Section 173 Cr.P.C. except for material change in the circumstances. Thereafter, petitioners No.1 and 2 shall be entitled to the grant of regular bail by the trial Court and the same shall further continue till conclusion of the trial on the conditions to be imposed by the court of competent jurisdiction.

Disposed of accordingly.

September 12, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE